

REDEVELOPMENT REVIEW COMMISSION CITY OF TEMPE, ARIZONA

Rules and Procedures

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| Authority | 1. These rules and procedures shall be the guidelines for the operation of the Redevelopment Review Commission of the City of Tempe, Arizona, organized pursuant to Ordinance 808, Section 1, Part II.H. |
| Membership | 2. The Commission shall consist of seven (7) regular members and four (4) alternate(s) appointed for overlapping three-year terms in accordance with the provisions of the City Charter. Each regular member and alternate shall be a resident of the City of Tempe. |
| Officers | 3. Officers of the Commission shall be a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman shall be Commission members and shall be elected in public session by majority vote during January and June of each year for a one (1) year term, with the assumption of office during the month of January and June, respectively. Vacancies in either position may be filled by majority vote when necessary. The Development Services Department Manager of the City of Tempe or a designated representative shall serve ex-officio as Development Services Staff Representative to the Commission, but shall not have a vote, except when Commission members are not sufficiently available to make a quorum, and then only on consent agenda items. |
| Duties of
Chairman | 4. The Chairman shall conduct meetings, appoint committees, and perform such other duties necessary to the functioning of the Commission. The Vice-Chairman shall serve in the absence of the Chairman. In the absence of both Chairman and Vice-Chairman, an acting Chairman shall be elected to serve at the meeting.

The presiding officer shall have the authority to preserve decorum in meetings as it applies to the Commission, city staff and audience. |
| Meetings | 5. Regular meetings of the Commission shall be held on the 1 st and 3 rd Tuesday of each month at 7:00 p.m. in the Tempe City Council Chambers, with pre-session scheduled immediately prior to the regular meeting, at a pre-determined time and location, as identified on the regular meeting agenda. Meeting dates and places may be changed by Development Services staff and special meetings may be called by the Chairman, or by written request of four (4) Commission members. |

All meetings and hearings of the Commission shall be open to the public; provided, however, that the Commission may hold an executive session for the purposes and under the conditions set forth in A.R.S. §38-431.03, and amendments thereto. Any action calling for a formal vote shall take place at a public meeting.

Pre-session and briefing sessions are permissible to inform Commission members on the items included on the agenda.

Quorum and Continuances

6. a. A quorum of the Commission shall be four (4) members. An affirmative vote of four (4) members shall be required to act on any application or to reverse any order or decision of an administrative official.
- b. If a commissioner is absent from a Redevelopment Review Commission hearing every effort shall be made to replace the commissioner with an alternate. If the Chair of the Board of Adjustment, Design Review Board, Planning Commission or Rio Salado Commission is absent, the alternate Redevelopment Review Commissioner, and vice-chair from same commission as the absent member shall be the replacement unless the vice-chair from said commission is unavailable. If the vice-chair from the same commission as the absent member is unavailable, or if the absent commissioner is from the Parks and Recreation Board, or if the absent member is a citizen member of the Redevelopment Review Commission and is serving on no other city commission, the replacement shall be any of the four alternates.
- c. In the event that seven (7) members of the Commission are not present for a meeting, this fact will be announced at the time of the continuance agenda. At that time all applicants or appellants wishing to continue will announce their presence and may request a continuance at that time. Each continuance request will be voted on an individual basis by the Commission.

Applications

7. Applications for a hearing before the Redevelopment Review Commission may be obtained from the Tempe Development Services Department.

Public Notice

8. Notices of applications pending before the Commission shall be sent, by mail at least 15 days prior to the Commission's public hearing meeting, to the owners of all properties within 300 feet of the exterior boundaries of the site under consideration and to the applicant. The applicant is responsible for providing an accurate mailing list. The Development Services Department shall submit

for publication in the official newspaper the request, at least once, 15 days prior to the public hearing before the Redevelopment Review Commission. The City Clerk shall post a copy of the agenda at a location of his or her choosing 24 hours prior to the public hearing. The site under consideration shall be posted with a public hearing notice at least 15 days prior to the public hearing. Information on the posting shall include a description of the request and the date, time and location of the public hearing.

Agendas

9. The meeting before the Commission shall contain the following agenda items, to be announced by the Development Services Representative:
 - a. Withdrawal
 - b. Continuance
 - c. Consent (to be determined at the Public Hearing if no opposition from the Commission or persons in attendance)
 - d. Discussion (all cases not on consent)
 - e. Approval of minutes

**Hearing
Procedure**

10.
 - a. Consideration of applications shall be heard in the order determined by the Chairman of the Commission. Except as otherwise specifically provided, the Commission shall follow Robert's Rules of Order in the conduct of its meeting.
 - b. The Commission may establish maximum time limits for presentations and rebuttals.
 - c. The procedure for applications before the Commission at the public hearing shall be as follows:
 - 1) Reading of request.
 - 2) Presentation of the case by the applicant/appellant.
 - 3) Presentations by other interested parties regarding the request.
 - 4) Rebuttal by applicant or appellant.
 - 5) The request shall be restated for purposes of: (1) discussion; (2) modification of any conditions by the Commission; or (3) for vote by the Commission.
 - 6) A motion for a vote on the request may not be modified by the maker of the motion without the consent of the seconder.
 - 7) The vote shall be for those in favor and those opposed to the request, as conditioned.
 - d. All items submitted to the Commission in the form of photographs, letters, petitions, plans, video or audio tapes, etc., shall be retained by the Development Services staff as evidence.

- e. Applicants, appellants, or those seeking reconsideration may request continuance of an application by submitting a written request to the Development Services Department. Any subsequent continuance may be granted only for good cause as determined by the Redevelopment Review Commission. The Commission will allow discussion both pro and con from the public regarding the applicant's request for continuance. A decision must be rendered on or before the fifth public hearing.

**Conflicts
of Interest**

- 11. Ex parte communications between a Commission member and any person about the merits of a case must be disclosed as to its nature and content for the record at the commencement of the hearing on the matter. Any Commission member who has engaged in such ex parte communication shall consider disqualification from participation in the hearing on the matter if such communication influenced the member.

**Decorum and
Order**

- 12. The Chairman shall have the authority to preserve decorum in meetings and decide all questions of order. Any remarks shall be addressed to the Chairman and to any or all members of the Commission. Any applicant or member of the public desiring to address the Commission, after having been recognized by the Chairman, shall state his or her name and address in an audible tone for the record, and shall limit remarks to the questions under discussion. The Chairman shall be empowered with the discretion to limit debate on any issue or application, and no person shall be allowed to more than once upon any one case until everyone desiring to address the Commission has had an opportunity to speak.

**Reapplication/
Reconsideration**

- 13. a. If an application is denied by the Commission, the Commission will not consider another application on the same subject matter within one year of the original hearing on the prior application unless the new application is based on new fact situation not covered in the original application and is received by the Development Services Department within 12 months of the date of denial. An applicant desiring to reapply shall submit a letter detailing the new fact situation and to justify a rehearing. The Development Services Department shall assess a fee to cover expenses on the request for reconsideration. If the reconsideration is approved, the applicant may then file a new application. The applicant may elect to process both the reconsideration and reapplication simultaneously; however, all fees must be paid and the Commission must first approve the reconsideration request before a reapplication may be heard.

- b. An application for reconsideration will state the new fact situation upon which it is based. The application may be voted upon by the Commission only upon a motion of a Commission member who voted on the prevailing side of the matter seeking reconsideration. Any Commission member may second the motion and a majority of Commission members voting will determine if the request for reconsideration is granted or denied.

**Reconsideration
Initiated by a
Commission
Member**

- 14. After the decision on any application or appeal, any Commission member who voted with the prevailing side may move for a reconsideration of any action at the same meeting. A motion to reconsider requires a second on the motion by any Commission member. A motion to reconsider shall require a 2/3 vote of all regular Commission members whether present or not, not disqualified from voting by a conflict of interest, but in no event by less than four (4) affirmative votes.

**Procedure for Adoption,
Amendment and
Suspension**

- 15. These rules shall be adopted by a two thirds (2/3) affirmative vote of the entire membership of the Commission and be amended by the same vote. These rules may be temporarily suspended by a two-thirds (2/3) affirmative vote of the entire membership of the Commission during any public meeting except where in conflict with Tempe City Charter, Code or Ordinance requirements.

**Robert's Rules
Of Order**

- 17. The rules of parliamentary procedure set forth in the most current edition of Robert's Rules of Order shall govern the Commission in all cases to which they are applicable, provided they are not in conflict with these rules or with the Tempe City Charter, Code or Ordinance requirements. When these Rules are in conflict with Robert's Rules of Order, these Rules shall govern.